

REMARKS**Summary of the Office Action**

Claims 1-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over claim 1 of copending Application No. 10/619,565.

Claims 11 and 12 are currently withdrawn from consideration

Summary of the Response to the Office Action

A Terminal Disclaimer and Statement under 37 CFR 3.73(b) are attached. Claims 1-12 are currently pending and claims 1-10 are under consideration.

Double Patenting Rejection

Claims 1-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over claim 1 of copending Application No. 10/619,565. Applicants submit a Terminal Disclaimer and a Statement under 37 CFR 3.73(b) to facilitate allowance of the present application, thereby obviating the double patenting rejection. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn. Applicants respectfully submit that claims 1-10 are now in condition for allowance.

Rejoinder of Withdrawn Dependent Claims 11 and 12

In addition, withdrawn dependent claims 11 and 12 should now be rejoined into this application. Claim 11 is dependent on generic independent claim 1. Claim 12 is dependent on claim 11. As generic independent claim 1 is now in condition for allowance, as discussed above, claims 11 and 12 should now be rejoined and also allowed, at least for the same reasons as independent claim 1.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

By:



Paul A. Fournier

Reg. No. 41,023

Dated: September 20, 2005

Customer No. 55694
Drinker Biddle & Reath LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465